

# Planning Commission Meeting

**Minutes of Morgan City Planning Commission GENERAL meeting held in open public session on February 16<sup>th</sup>, 2016 at 7:00 p.m., in the Council Room in the City Office at 90 West Young Street.**

## MINUTES

FEBRUARY 16<sup>TH</sup>, 2016 7:00 PM

MORGAN CITY COUNCIL ROOM

MEETING CALLED BY	Chairman Doug Garfield
MEMBERS	Julie Anderson, Jim Brown, Nathan McClellan, Dave Carter, David Griffith, Weston Fry, Steve Winn.
EXCUSED	Robert Lynam
CITY STAFF	Steve Garside, City Planner; Ray Little, Mayor.
OTHERS PRESENT	Grey Jensen, Sally Jensen, Danny Wall, Pam Turner, Gaylene Kimbal, Dennis Woolsey, Lance Prescott, Arlene Christensen, Deanne Johnson, Sam McCurdy, Anna Roos, Kristi Gilbert, Justin Smith, Schery Walters, Richard Slate, Nanette Nelson, Codi Weaver, Joseph Bohman, Lindsay Tanner, Blake Gilbert, Holly Higley, Michael Higley.
INTRODUCTION	Chairman Doug Garfield called the meeting to order and welcomed all in attendance. Doug Garfield introduced our two new Planning Commission members and welcomed them to the Commission.

## WORK SESSION

DISCUSSION	<p>Planning Commission Chairman Doug Garfield discussed the need to reconvene the work session after General Session due to the amount of items to review and the limited time allotted for the work session. The members agreed and are able to attend the additional time needed.</p> <p><b>Public Hearing-Rezone request and General Plan Amendment from RM-15 to CC-</b> This property is currently vacant. It is shaped like a flag lot with access from 125 North. The mobile home park is adjacent on the easterly boundary. Northerly are single family homes that front on 125 North. The other two directions find undeveloped properties, with the southerly one being zoned CC (Central Commercial) and housing agricultural buildings, and the westerly one vacant, being zoned RM-15 (Multi-Family Residential). The applicant is requesting a rezone and general plan amendment from RM-15 to CG for the purpose of developing a multi unit storage facility.</p> <p>Nathan McClellan expressed what he considers a long term vision of the area. Being in the central area of the City, Mr. McClellan envisions the area as Commercial with retail/office type space, landscaping with trees, grass and walkways for pedestrian traffic. This vision would enhance as well as entice businesses to relocate to Morgan. Steve Garside stated that if the area was rezoned to Commercial General, the commission cannot dictate what will be in the area. The zone classification table indicates what is allowed and does have some uses as conditional use permits such as the request for multi unit storage facility by the applicant. The Historic overlay zone is a mixed use zone but does not reach this area.</p> <p>The commission discussed the desire to eliminate some of the current undeveloped RM-15 zoning generating this decision by the recent approval of a 180 unit apartment complex. The commission feels the city does not need any more apartments. The struggle the commission is facing is the allowed uses for Commercial General zoning is not as they envision for the area. The Commission is in agreement that the Commercial zoning of the city should increase in the area as it is the City center and could be of benefit as this area transitions from commercial and high density residential, to low density residential.</p> <p>The stumbling block for the commission is the desire of the applicant to develop storage units. The members</p>
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feel storage units should be in the Industrial Park and not the Commercial Zoning. Steve Garside indicated storage units are permitted in the Industrial/Manufacturing zone and is a Conditional Use application for the Commercial General. The commission has the authority to set conditions upon the application for the Commercial General zoning. Doug Garfield directed the Commission to move onto the other items on agenda for the General Session as they were running out of time.

**Public Hearing-Zoning Description Clarification and General Plan Amendment Description Clarification on 27.11 acres located approximately 900 North and 700 East-**Steve Garside stated there are a couple of items to consider. This property is part of an overall project that supported the creation a service district which supported the installation of the improved culinary water facilities. Pursuant to that project and the ensuing development agreement, the boundary between the commercially zoned property and this residentially zoned property needs to be refined. The proposal for this project is for single family residential, which would extend that land use from 700 East to a location approximately 200 feet from the I-84 right of way. This application is to clarify the description for zoning and General Plan.

The other item is the RM-15 area. This parcel of the development has been zoned RM-15 since the beginning of the project. The boundary between the RM-15 and the R-1-8 zoning districts was partially along a gas line that is no longer there. Using the gas line as a boundary created an odd shaped parcel. The applicant is asking the City to "square up" the parcel by rezoning 1.1 acres of property from R-1-8 to the RM-15 zoning designation.

Under the current zoning, the applicant could place over 30 dwelling units with access on to 700 East. The proposed use is for 18 patio homes for those ages 55 and older, and the access to the project would be through the residential development to the west. This property is adjacent to 700 East and is surrounded by vacant property. The existing residential uses on 700 East begin one lot width away to the south.

David Griffith discussed reviewing the RM-15 zone will allow the city to set requirements and limits. This would be a good trade compared to the alternative of over 30 dwelling units currently allowed. Nathan McClellan questioned the authenticity of a development agreement. Steve Garside stated the development agreement would be attached to the parcel and not the development.

The Commission discussed the need to clarify the boundaries as there was never a survey done as to the current zoning. The proposed zoning has descriptions.

**Conditional Use Permit-Salon Roots and Grounds for Coffee-167 North Commercial Street-**This proposed project is in an existing structure on Commercial Street. The applicant would like to have both a gourmet beverage service, along with packaged foods, and a full service salon. Due to the nature of the beverage service, this is classified as a fast food use, thus requiring a conditional use permit in this zone.

With the two proposed uses, there was a request for a review from the Health Department, and the applicants have received that approval. That department was satisfied with the proposed separation of those two uses.

The Commission discussed the need for conditions on the application. The applicant had provided a detailed site plan of both uses as well as the review from the Health Department. The conditions could be as simple as approving the site plan. The application is in the Historic District and requires review/approval of signage or façade changes by the Historic Committee. If the applicant chooses to include additional services such as entertainment, the applicant should come back to the Planning Commission for review.

**Conditional Use Permit-Accessory Residential Dwelling-101 North Commercial Street-** The applicant is proposing to develop a residential dwelling unit within the commercial structure on Commercial Street. Residential dwellings within commercial zones can only be an accessory use, and then require a conditional use permit (CUP).

In order for it to be an accessory use, the applicant must first demonstrate to the Commission that there exists a primary permitted use to which this would be accessory. Upon the Commission's satisfaction that it is an accessory use, the CUP review then could occur.

Staff has been made aware that several divisions of this property have occurred in recent history. These divisions have been done without City approval, and would need to be addressed before a CUP was granted.

The Commission discussed tabling the application until the property was in compliance to City standards.



## **GENERAL SESSION**

### **MINUTES APPROVAL – JANUARY 19<sup>TH</sup>, 2016**

<b>MOTION</b>	<p>Julie Anderson moved to approve minutes of the Planning Commission Meeting January 19<sup>th</sup>, 2016 as presented with minor typing corrections.</p> <p>Second: Jim Brown Vote: Unanimous</p>
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#### **ITEM #1 PUBLIC HEARING-REZONE REQUEST AND GENERAL PLAN AMENDMENT FROM RESIDENTIAL MULTIFAMILY (RM-15) TO COMMERCIAL GENERAL (CG) APPROXIMATELY 338 EAST 125 NORTH**

<b>DISCUSSION</b>	<p>This property is currently vacant. It is shaped like a flag lot with access from 125 North. The mobile home park is adjacent on the easterly boundary. Northerly are single family homes that front on 125 North. The other two directions find undeveloped properties, with the southerly one being zoned CC (Central Commercial) and housing agricultural buildings, and the westerly one vacant, being zoned RM-15 (Multi-Family Residential).</p> <p>Several years ago this property received final approval for a multi-family project. Those approvals have expired, pursuant to ordinance.</p> <p><b>PLANNING ISSUES:</b></p> <p>The primary concern is the buffering of any proposed commercial use against the existing residential properties, and the potential residential uses on the vacant parcel. Otherwise, this new zoning designation could be of benefit as this area transitions from commercial and high density residential, to low density residential.</p> <p><b>PROPOSED AMENDMENT TO THE GENERAL PLAN:</b></p> <p>The proposed amendment is to change the Land Use Element of the General Plan which designates this property as Central Commercial, and have the designation be General Commercial.</p> <p><b>RECOMMENDATION:</b></p> <p>Planning Staff's recommendation would be to approve the proposed amendment. The existing land uses prohibit this property from becoming a part of the central business district. And the frontage being occupied by residential dwellings prevent a Central Commercial property from having the needed exposure to traffic. This is sufficient to support an amendment to the General Plan.</p> <p>Subject to an approved amendment to the General Plan, which would make this application consistent therewith, and its appropriate buffering from the surrounding land uses, staff recommends that the Planning Commission recommend that the City Council approve the requested change in zoning designation as set forth in the application.</p>
<b>OPEN PUBLIC HEARING</b>	<p>Planning Commission Chairman, Doug Garfield declared Public Hearing-Rezone request and General Plan Amendment from Residential Multifamily (RM-15) to Commercial General (CG) approximately 338 East 125 North opened.</p>
<b>PUBLIC COMMENT</b>	<p>The applicant, Deborah Evans spoke indicating the desire to develop storage sheds.</p> <p>Pam Turner expressed her concern regarding changing this area to Commercial when there is no Commercial adjacent. Mrs. Turner referred to Ordinance 10-8-16 and 10-8-15. Pam Turner also described Utah State Law provides any irrigation ditch a 15ft right of way stating the Mill Race ditch is located on the northerly side of the applicant's property. Mrs. Turner was not happy to think drainage would be on her property due to the development of storage sheds. Steve Garside stated it is the responsibility of the developer to maintain the development. The developer is required to retain drainage on own property or provide means for the drainage to reach the city's storm drain system.</p>

	<p>Gaylene Kimball stated she has a similar business of storage sheds and indicated she had to provide water, sewer and electricity. The application stated the desire for storage sheds is that the applicant would not need those utilities. Also, she was under the impression that storage sheds are only allowed in the Industrial Zone. Steve Garside stated the applicant anticipated minimal water, sewer and electricity unlike the amount needed for multi housing units and also indicated a concern with the capacity issue of the City's sewer system. Storage sheds are a permitted use in the Industrial Zone and a Conditional Use Permit in the Commercial Central Zone.</p> <p>Roger Carrigan stated that the two previous comments were that of competing business and one that just wants to keep the area in farming. Mr. Carrigan stated that if the zoning stayed RM-15, traffic would be massive as well as the impact on the City's utility system. Changing to a Commercial use and also storage units, traffic would be almost nonexistent. The long term objective should be to expand Commercial uses.</p>
CLOSE PUBLIC HEARING	<p>Dave Carter moved to close the Public Hearing–Rezone request and General Plan Amendment from Residential Multifamily to Commercial General approximately 338 East 125 North.</p> <p>Second: David Griffith Vote: Unanimous</p>
DISCUSSION	<p>Nathan McClellan agrees with Mr. Carrigan to have Commercial in the area. It is the type of Commercial uses the Commercial General zone allows and the applicant is developing that the Commission is having a challenge with. Mr. McClellan envisions the area as Commercial with retail/office type space, landscaping with trees, grass and walkways for pedestrian traffic.</p> <p>Nathan McClellan asked Steve Garside about "conflict of interest." Steve indicated a "conflict of interest" is if there is a financial gain or personal interest in the application. A declaration; however is that it does not impact the application. Nathan disclosed relations to an adjacent property owner but no financial or personal interest affiliation.</p> <p>Jim Brown clarified with staff that this is a change to Commercial General, do that of the adjacent property which is Commercial Central.</p> <p>Commission member David Griffith declared a matter of discussion during the work session was the desire to incorporate Commercial type uses; the hesitancy is in storage units. The Commission also discussed continuing with the RM-15 zoning as undesirable.</p> <p>Steve Garside indicated the City cannot dictate what is in the zone, only allow the zoning change. If the application is an allowed use in the designated zone on the classification table, it is permitted. The Commission continued with hesitancy. Mr. Garside stated there must be a recommendation to the City Council.</p>
MOTION	<p>Nathan McClellan moved to recommend denying the Rezone request and General Plan Amendment from Residential Multifamily to Commercial General approximately 338 East 125 North to the City Council.</p> <p>Second: Weston Fry.</p> <p>Discussion on the motion: Weston Fry clarified the second due to no consensus at the Work Session or General Session of the Planning Commission. Jim Brown stated not enough input from the Public or the applicant.</p> <p>Vote: Unanimous</p>

**ITEM #2 PUBLIC HEARING-ZONING DESCRIPTION CLARIFICATION, GENERAL PLAN AMENDMENT DESCRIPTION CLARIFICATION ON 27.11 ACRES LOCATED APPROXIMATELY 900 NORTH AND 700 EAST.**

DESCRIPTION	<p><b>BACKGROUND:</b></p> <p><b>General Plan Clarification</b>-The majority of the subject property is vacant property and is located between 650 East and the I-84 UDOT right of way, and between approximately 800 North and 1000 North. Other than the residential properties along 700 East and a few agricultural buildings, the property is vacant.</p>
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There is a current boundary line between the R-1-8 zoning district and the commercial highway zoning district at this location that does not follow any property line or ascertainable physical feature. This same boundary line is reflected in the General Plan. To the southeast of this location, development has reached the I-84 right of way. At that location, the boundary between these two zoning districts is approximately 200 feet from that right of way. Further, a development agreement the City and the applicant, contemplates the boundary between these two zones at that same depth – 200 feet from the I-84 right of way.

**Zoning Clarification-**This property is part of an overall project that supported the creation a service district which supported the installation of the improved culinary water facilities. Pursuant to that project and the ensuing development agreement, the boundary between the commercially zoned property and this residentially zoned property needs to be refined. The proposal for this project is for single family residential, which would extend that land use from 700 East to a location approximately 200 feet from the I-84 right of way. This rezone request is in conjunction with a request for an amendment to the General Plan. This property abuts those existing residential properties along 700 East, and otherwise borders vacant property, being used for agricultural pursuits.

This request is to establish the boundary between the commercial zoning district and the residential zoning district.

**RM-15 Zoning Area-** This property is also part of an overall project that supported the creation of a service district which supported the installation of the improved culinary water facilities. This parcel of the development has been zoned RM-15 since the beginning of the project. The boundary between the RM-15 and the R-1-8 zoning districts was partially along a gas line that is no longer there. Using the gas line as a boundary created an odd shaped parcel. The applicant is asking the City to "square up" the parcel by rezoning 1.1 acres of property from R-1-8 to the RM-15 zoning designation.

Under the current zoning, the applicant could place over 30 dwelling units with access on to 700 East. The proposed use is for 18 patio homes for those ages 55 and older, and the access to the project would be through the residential development to the west. This property is adjacent to 700 East and is surrounded by vacant property. The existing residential uses on 700 East begin one lot width away to the south.

The General Plan designates this area to be low density residential. The RM-15 zone is not consistent with the General Plan, however the applicant is vested in that zone for this property.

#### **PROPOSED AMENDMENT AND PLANNING ISSUES:**

The proposed amendment is to better define the boundary between these two zoning districts, which would result in a reduction of the Commercial Highway planned area, and an increase in the R-1-8, Single Family planned area. This would result in a change in the Land Use Element of the General Plan for this location. The proposal is to change the land use designation from General Commercial to Low Density Residential.

Upon determining that there is a basis for amending the General Plan, the Commission must now determine whether the proposed designation is otherwise consistent with the remaining elements of the Plan, as well as the remaining and surrounding designations of that Plan. As mentioned in the background information, the majority of the property is vacant. The expansion of the residentially designated property would further buffer the existing residential properties near 700 East. Based on that, it appears this amendment would be consistent with the existing uses in this area.

The RM-15 zoning increase of 1.1 acres- While the existing zoning is not consistent with the General Plan, the applicant may pursue development under that zone. The issue for the Commission is whether the proposed project is preferable over the potential development. The potential development is having over 30 units of multi-family, fronting on 700 East. The proposed project is 18 patio homes, targeting the 55 and older population and backing the project on 700 East. The proposal is compatible with surrounding land uses.

#### **AMENDING THE GENERAL PLAN**

Amending the City's General Plan is not a process wherein the City simply exercises its discretion. The General Plan is a document that appropriately receives deference by developers, governmental agencies,

	<p>and the courts. The primary reason for that deference is the manner in which the document was created, with the numerous public hearings, and citizen involvement. Therefore, in order to amend a general plan, the Commission and the Council must first determine the basis for the amendment. It must primarily rest on one of two considerations. One is that an amendment has become necessary because there was an error made in the existing Plan. The other is that there has been such a change in circumstances, that the existing Plan does not adequately address, consider, or contemplate those changes, thus the Plan must be amended in order to address those changes.</p> <p>In looking at the General Plan from the broad perspective, it is apparent that it envisioned a commercial area along the I-84 right of way and residential along 700 East, which would extend towards the I-84 right of way. Where these two uses would meet was not specifically designated, as it was not located along a property line or along a physical feature, such as a road, river, or other physical boundary. With the development of the automobile dealerships to the southeast, this boundary has become more defined. That refinement is reflected in the development agreement entered into in 2007.</p> <p>Based on the conceptual nature of the current boundary between these two uses, the boundary established in the developed areas to the southeast, and the provisions in the development agreement, there have been sufficient changes that warrant the refinement of the boundary between these two uses as set out in the Land Use Element of the General Plan.</p> <p><b>RECOMMENDATION:</b></p> <p>Planning Staff's recommendation would be to approve the proposed amendment. The change in circumstance is that a conceptual boundary between these uses may now be refined to be consistent with developed areas to the southeast and to reflect what was contemplated in the 2007 development agreement. This is sufficient to support an amendment to the General Plan and the proposed uses are consistent with the surrounding designation within the Land Use Element of the General Plan and with the surrounding uses.</p> <p>Subject to an approved amendment to the General Plan, which would make this application consistent therewith, and its consistency with the surrounding land uses, staff recommends that the Planning Commission recommend that the City Council approve the requested change in zoning designation as set forth in the application.</p> <p>Regarding the increasing of 1.1 acres of the RM-15 designation, subject to the entering into a development agreement to enumerate the proposed development, staff recommends that the Planning Commission recommend that the City Council approve the requested change in zoning designation as set forth in the application. The items to be addressed in the agreement would include limiting the number of units; the creation of a homeowners' association, which would include the City for the limited purpose of ensuring the roads and utilities remained private; targeting the 55 and older population; and no access directly on 700 East.</p>
<b>OPEN PUBLIC HEARING</b>	<p>Planning Commission Chairman, Doug Garfield declared Public Hearing-Zoning Description Clarification and General Plan Amendment Description Clarification on 27.11 acres located approximately 900 North and 700 East opened.</p>
<b>DISCUSSION AND PUBLIC COMMENT</b>	<p>Development representative, Danny Wall stated the clarification description for the General Plan and Zoning clarification description of the R-1-8 and Commercial area needed to be addressed. For the increase of 1.1 additional acres to the existing RM-15, this would be a win-win type situation for the all. The proposal to have 18 patio type homes for 55+ age community was a recommendation by the Planning Commission and hopefully will be a more pleasing type project than the allowable density.</p> <p><b>Public Comments:</b></p> <p>Annette Nelson expressed her frustrations with the previous developer and the items promised but not completed. What guarantee does the residence have that the RM-15 will be increase and then the development is sold and even more apartment complexes are built by another developer.</p> <p>Steve Garside responded indicating the development agreement will be filed against the property and not the development. Commission member Weston Fry stated the proposal was for less density in the patio homes than the R-1-8 if the development is limited to 18 patio homes.</p> <p>Schery Walters stated the problem with the current roads in North Morgan as being impossible to navigate. Steve Garside stated roadway requirements are to be to City Standards.</p>



	<p>Several public comments were directed to the issue of the Questar Gas line, the relocation and the development. After several comments Steve Garside stated the issue with the gas line is during the development stage of the project and will be the responsibility of the developer to comply with easements and requirements.</p> <p>Richard Slate read in the paper that the City sewer system was at capacity and was looking to restrict new development. The development is part of a Special Improvement District. The eru measurements are already included in the current sewer capacity calculations.</p> <p>Joe Bowman stated his concerns with the setbacks regarding Questar gas and the impact on 700 East. Public Comments from the audience regarding 700 East at capacity. Steve Garside informed the public that a traffic study had been performed during the approval process of an apartment complex on 700 East. The study indicated a type "A" traffic and that 700 East was far from meeting capacity.</p> <p>Steve Gilbert stated the desire to make sure stipulations (development agreements) are kept and that City standards are followed.</p> <p>Brady Nelson asked if the increasing of RM-15 were granted, what the options to have even more multi housing are.</p> <p>Commission member, David Griffith stated currently the RM-15 zone can be developed to capacity. With the proposed development which is requesting an increase, the city has the option now of entering a development agreement which could have limitations such as; only 18 patio homes, HOA, no access from 700 East, 55+ age community, etc.</p> <p>Commission Chairman, Doug Garfield indicated the development agreement would be a binding agreement attached to the parcel/land and would alleviate the potential development of allowed capacity of an RM-15 zone classification.</p> <p>Weston Fry asked the dimensions of the area along with the requirements and discussed the dimension with the commission and staff.</p> <p>Lance Prescott stated in favor of the patio homes and asked the developer a time line for a frontage road. The developer indicated they are not currently looking at developing the Commercial area and so no frontage road development is planned at this time. Mr. Prescott stated his concern with so many houses having only one access. Staff stated the access meets the requirement for the development.</p> <p>Christy Gilbert stated in favor of patio homes in order to have a development agreement as long as the development will be upheld. She also stated the concern about the City allowing more development to impact a School District already overcrowded.</p> <p>Nathan McClellan stated the R-1-8 and Commercial description clarification as common sense making the Commercial zoning consistent with existing Commercial Highway Zone areas. Squaring off the corner of the RM-15 as presented by the developer will help the Commission deal with his concerns by allowing the City to enter into a development agreement of patio homes and limiting to 18. Currently, the area could have apartments.</p> <p>Jim Brown wanted to reiterate the RM-15 development of patio homes to be for the 55+ community.</p> <p>David Griffith summarized stating the proposal is as follows; a General Plan and Zone amendment Description Clarification between R-1-8 and Commercial Highway Zoning, an increase of 1.1 acres and squaring up the zone of RM-15, that the City would enter into a development agreement of 18 patio homes in the RM-15 zone, no access from 700 East for the patio homes and that the patio homes would be for 55+ community. The motion is a recommendation to the City Council to accept or the deny the request.</p>
<b>CLOSE PUBLIC HEARING</b>	<p>Jim Brown moved to close the Public Hearing- Zoning Description Clarification and General Plan Amendment Description Clarification on 27.11 acres located approximately 900 North and 700 East.</p> <p>Second: Dave Carter</p> <p>Vote: Unanimous</p>
<b>MOTION</b>	<p>Julie Anderson moved to accept the proposal of a General Plan amendment Description Clarification between R-1-8 and Commercial Highway Zoning as a recommendation to the City Council for approval.</p> <p>Second: Dave Carter</p> <p>Vote: Unanimous</p>

<b>MOTION</b>	<p>Jim Brown moved to accept the proposal of a Rezone amendment Description Clarification between R-1-8 and Commercial Highway Zoning as a recommendation to the City Council for approval.</p> <p>Second: Nathan McClellan</p> <p>Vote: Unanimous</p>
<b>MOTION</b>	<p>David Griffith moved to recommend an increase of 1.1 acres and squaring up the current RM-15 zone, that the City would enter into a development agreement of 18 patio homes, no access from 700 East for the patio homes and that the patio homes would be for 55+ community as a recommendation to the City Council for approval.</p> <p>Second: Jim Brown</p> <p>Vote: Unanimous</p>

### ITEM #3      **CONDITONAL USE PERMIT-GROUNDS FOR COFFEE 167 NORTH COMMERCIAL STREET**

<b>DISCUSSION</b>	<p><b>BACKGROUND:</b></p> <p>This proposed project is in an existing structure on Commercial Street. The applicant would like to have both a gourmet beverage service, along with packaged foods, and a full service salon. Due to the nature of the beverage service, this is classified as a fast food use, thus requiring a conditional use permit in this zone.</p> <p>With the two proposed uses, there was a request for a review from the Health Department, and the applicants have received that approval. That department was satisfied with the proposed separation of those two uses.</p> <p><b>REVIEW:</b></p> <p>The initial step in reviewing a conditional use permit is set forth in the City's Code. The Code first requires a review of the following issues: a) whether the proposed use, at the specific location, is in harmony with the general intent and purpose of the general plan and the applicable zoning district regulations; b) whether the proposed use is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood; and, c) whether such use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. If the Commission determines that the application satisfies those considerations, the Commission may then impose conditions that further address the intent of the City's Code.</p> <p>It is staff's position that these criteria are or can be satisfied. First, this use is in harmony with the General Plan and the current zoning regulations. Second, this proposed use is a desirable service for the City and its residents, and generally present in communities in commercial centers. Third, having received approval from the Health Department, the City does not anticipate any negative impacts.</p> <p><b>PLANNING ISSUES:</b></p> <p>While this CUP could be granted, the applicant must also understand that being within the Historic Overlay zoning district will require additional approvals for any signage or changes to the exterior of the structure, including finishes. Since this is in that District, the parking requirements are flexible, and the represented parking is sufficient</p> <p><b>RECOMMENDATION:</b></p> <p>Staff recommends the granting of the conditional use permit with the following conditions being imposed to ensure compatibility with the Code and the surrounding properties:</p> <ol style="list-style-type: none"> <li>1. The applicant must submit any signage or exterior finishes to the Historic District Review Committee.</li> <li>2. Any changes or additions to the approved uses will need to be reviewed by the Planning Commission, including adding an entertainment feature, as was stated in the application.</li> </ol>
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MOTION	<p>Jim Brown moved to grant Conditional Use Permit for Grounds for Coffee as presented. That the applicant be aware the location is in the Historic District and any signage or changes to the façade of the building would need to be reviewed by the Historic Committee.</p> <p>Second: Dave Carter</p> <p>Vote: Unanimous.</p>
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**ITEM #4      CONDITIONAL USE PERMIT-ACCESSORY RESIDENTIAL DWELLING 101 NORTH COMMERCIAL STREET.**

DISCUSSION	<p><b>BACKGROUND:</b></p> <p>The applicant is proposing to develop a residential dwelling unit within the commercial structure on Commercial Street. Residential dwellings within commercial zones can only be an accessory use, and then require a conditional use permit (CUP).</p> <p>In order for it to be an accessory use, the applicant must first demonstrate to the Commission that there exists a primary permitted use to which this would be accessory. Upon the Commission's satisfaction that it is an accessory use, the CUP review then could occur.</p> <p>Staff has been made aware that several divisions of this property have occurred in recent history. These divisions have been done without City approval, and would need to be addressed before a CUP was granted. Also, staff has been made aware that there has been some remodeling of the interior of the building without permits or proper licensed contractors.</p> <p><b>REVIEW:</b></p> <p>The initial step in reviewing a conditional use permit is set forth in the City's Code. The Code first requires a review of the following issues: a) whether the proposed use, at the specific location, is in harmony with the general intent and purpose of the general plan and the applicable zoning district regulations; b) whether the proposed use is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood; and, c) whether such use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. If the Commission determines that the application satisfies those considerations, the Commission may then impose conditions that further address the intent of the City's Code.</p> <p>It is staff's position that these criteria are or can be satisfied. First, this use is in harmony with the General Plan and the current zoning regulations. The Historic Overlay Zone contemplates the mixed use of commercial and residential. Second, this proposed use is consistent with the provisions in the ordinance. Third, because of unapproved divisions of the property, these parcels do not all comply with the City's requirements. Once this issue is resolved, then this criteria would be satisfied.</p> <p><b>PLANNING ISSUES:</b></p> <p>While this CUP could be granted, the applicant must understand that being within the Historic Overlay zoning district will require additional approvals for any signage or changes to the exterior of the structure, including finishes. Additionally, the unlawful dividing of property is of concern.</p> <p><b>RECOMMENDATION:</b></p> <p>Staff does not recommend the granting of the conditional use permit until the property division problems have been resolved. If the Commission desires, the permit could be granted with that being a condition, and with the permit not being issued until the problems are resolved. The applicant must also be aware that any changes to the exterior, including finishes, require approval from the Historic District Review Committee.</p> <p>The applicant Grey Jensen stated the subdividing was for the purpose of front and rear parking distinction. Steve Garside stated the City has no knowledge of the division or of the recording at the county. Mr. Jensen also indicated that he was not remodeling but doing deemotion and was permitted under his license. Mr. Jensen did not comment regarding an active business at the location.</p>
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	<p>Grey Jensen gave a history of vandalism, that there use to be a security guard living there at one time and that the insurance company will not insure the building without occupancy.</p> <p>Adjacent property and business owner, Justin Smith stated concerns of having an accessory residential use when there is no actual business occupying the building. There has not been a business in the building for quite some time. The zoning is for Commercial businesses and not residential housing. Mr. Smith indicated his business has been family owned for decades and has not seen anyone occupy that building as a resident. Mr. Smith commented that in past projects of Mr. Jensen's, he has used materials that have been low grade and little or no upkeep. This current building, just observing the outside has posts rotting, missing siding, exposed electrical wires, lighting fixtures removed, etc. The physical condition of the building appears to be unsafe. How he is requesting to build another substandard project?</p> <p>Grey Jensen justified the deterioration of the building indicating postponing improvements until the City sidewalks were finished. He stated the sidewalks were going to be replaced and renovated because they have sunk and were uneven. Justin indicated that did not answer why the building has not been maintained and why he used substandard materials in the first place.</p> <p>The Commission discussed that due to the unauthorized division of the property, the Conditional use permit should not be granted or even review until this item alone is resolved. The applicant also needs to demonstrate an active business at the proposed location prior to an accessory residential dwelling occupancy.</p>
MOTION	<p>Jim Brown moved to table the Conditional Use permit application for an Accessory Dwelling Unit.</p> <p>Second: Dave Carter</p> <p>Discussion on the motion: Nathan McClellan asked for a clarification if the application should be tabled or declined due to the noncompliance issues. Steve Garside stated tabling would be sufficient due to the veracity of the comments made.</p> <p>Vote: Unanimous.</p>

## ADJOURNMENT:

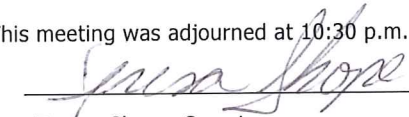
MOTION	Jim Brown moved to adjourn General Session meeting and reconvene the Work Session.
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## WORK SESSION RECONVENED

DISCUSSION	<p><b>Landscape Requirements in the Industrial Zone</b>-Chairman Doug Garfield reconvened the work session stating the commission was asked by the Mayor to revisit the Landscape element of the Industrial Zone. During the November Planning Commission meeting 2015, the Commission passed a recommendation amending the landscape frontage requirement to allow a developer in the MD Zone to relocated part of the landscaping requirements to other frontage areas of the development as long as 4ft stayed between the interior side of the sidewalk/lot line and the parking lot or structure not reducing the current frontage landscape requirements.</p> <p>Doug understood the Council and/or staff wanted the Planning Commission to consider the utility placement and the role landscape plays with utilities. It was the understanding that staff preferred less landscaping. The Commission discussed the need for landscaping in the MD Zone concluding that landscaping should not be reduced.</p> <p><b>Fencing Requirements</b>-Currently, the fencing Ordinance indicates utility meters may not be fenced into the rear yard area. A fencing application occurred questioning the need for the fencing behind the utilities. The city now has all electronically read meters and does not need access to the meters on a monthly basis for reading the usage. The Commission discussed striking the line requiring fencing behind the utilities.</p> <p><b>Off Premise Signage</b>-The Council has indicated a couple of businesses have expressed the desire to locate to Morgan City and have asked about off premise signage. The City Ordinance currently does not allow off premise signage. The Council is asking the Planning Commission to review the Ordinance and convey their thoughts. Doug Garfield felt the Commission had stayed long enough and asked the members to think about off premise signage and discuss at the next Planning Commission work session.</p>
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This meeting was adjourned at 10:30 p.m.

  
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Teresa Shope, Secretary

These minutes were approved at the March 15<sup>th</sup> 2016 meeting.